

THE CASE OF

Edward Bushel, John Hammond, Charles Milson and John Baily, Citizens and Free-Men of London, stated, and humbly presented to the Honourable
HOUSE of COMMONS Assembled in

PARLIAMENT.

That they with Eight others, being Empannelled and Sworn of a *Fury*, for tryal of divers Persons indicted for several Criminal and Capital Offences, at the Sessions of the Peace for the Goal-Delivery, held at the *Old-Baily* for the said City, in *August, 1670.* before *Sr. Samuel Starling*, then Lord Mayor of *London*, and *Sr. John Howel* Serjeant at Law, Recorder, and other Justices there, were (amongst other Prisoners) charged with *William Penn*, and *William Mead*.

And the said *Fury* having heard and considered the Evidence against the said *Penn* and *Mead*, could not find them Guilty of the Indictment; thereupon they were threatned and menaced by the said Mayor and Recorder to be Carted, and Marks to be set upon them, to have their Throats and Noses cut, and be shut up close Prisoners, and starved to Death, unless they would comply: The Recorder adding thereunto, that he highly applauded the prudence & policy of *Spain* in erecting the Inquisition, and that it would never be well in *England*, till some such course were taken here.

Pursuant to which Threats, the *Fury* by their Order were presently shut up, with express Command they should neither have Meat, Drink, Fire nor Candles, which was observed to that Extremity, that they continued in this Imprisonment, *Saturday, Sunday, and Munday*, the said Mayor and Recorder adjurning the Court from day to day, supposing, that the *Fury* in time, rather then endure such heavy pressures, would force their Consciences and comply with them.

But all this Illegal and Barbarous Usage proving ineffectual; after the said *Fury* had with unanimous Consent brought in their Verdict, finding the said Prisoners not Guilty, which Verdict notwithstanding the said Court did accept and Record, yet the said Lord Mayor and Recorder fined every of the *Fury* Men forty Marks apiece, and committed them Prisoners to *New-Gate* till Payment (of whom eight paid their fines and were soon discharged.)

And the said four *Furors* being Merchants and Trades-Men of *London*, after they had been kept close Prisoners about three Months, to their very great Dammage, rather then to betray the Liberties of the Country, were enforced to their extraordinary Charge to sue out their *Habeas Corpus* in the Court of Common-Pleas, which Court upon Return of the Causes of Commitment, and after several Arguments as well there, as before all the Judges of *England*, consulted in this Matter, occasioned by the great Opposition of the said Lord Mayor and Recorder, did resolve and declare according to the unanimous Opinion of all the said Judges, that they, the said four *Furors*, were illegally imprisoned and unjustly fined; and thereupon discharged them from their Imprisonments and Fines.

All which unjustifiable Proceedings by the said Lord Mayor and Recorder were done after, and in Contempt of that memorable Vote of this honourable *House of Commons*, made in the Case of the late Lord chief Justice *Keeling*, the 13th *December, 1667.* declaring, that the Precedents and Practice of Fining or Imprisoning *Jurors* for Verdicts was Illegal.

And for that they, the said four *Furors* do humbly apprehend it may be of dangerous Consequence for any inferiour Judicature, who are only to declare the Law made, to assume to themselves an arbitrary Power of innovating and altering the same, especially, when it doth tend to the Violation and Overthrow of the antient and fundamental Laws of the Land, consisting in nothing more then in the Liberty the Subjects have in the Freedom of Tryals by their Peers. And forasmuch as the said *Furors* have not only been great Sufferers in their Persons and Estates by the said arbitrary and illegal Imprisonment; but they do also humbly conceive it hath been and still is of very evil Consequence to the Lives, Liberties and Estates of his Majesties Subjects; for such Persons (who have acted thus arbitrarily, directly contrary to and in Defiance of, not only the Laws of the Land; but also of the fore-said Votes of the *House of Commons*) to be still continued in Places of so great Trust and Authority, as Recorder, Justices of Peace and Aldermen of the City of *London*, to the great Terror and Discouragement of all *Furors* in the Performance of their Duty. And forasmuch, as they the said *Jurors* are discouraged by their Counsel to seek Remedy or Satisfaction in the Courts of *Westminster-Hall* for these so great Oppressions, the Reason alleadged, for that all the said Acts were done by the said Mayor and Recorder in a Court of Judicature, against which no Action can be brought: So that they are like to be left remediless, unless relieved by this Honourable *House*, unto whose Protection they do most humbly fly, and beseech their Justice for their Relief.